

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:01cr88-1**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
	)	
<b>THOMAS WOODHULL HICKS, IV.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on the Defendant's Motion to Modify Sentence [Doc. 80].

On March 29, 2011, the Defendant was sentenced to a six-month term of imprisonment for violating the terms of his supervised release. [Judgment, Doc. 64]. At the time of the supervised release violation hearing, the Defendant was serving a sentence in state custody for related state probation violations.

On July 11, 2011, the Defendant moved to amend the Judgment so as to make his current six-month term of imprisonment run concurrently with the state violation matter. [Doc. 77]. The Court denied this motion without prejudice on the grounds that the Defendant's pending appeal divested the Court of jurisdiction. [Doc. 78].

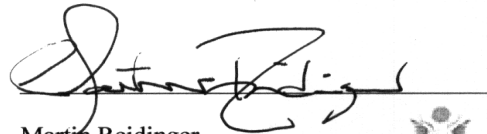
On July 29, 2011, the Fourth Circuit Court of Appeals issued an Order withdrawing the appeal upon motion of the Defendant. [Doc. 79]. Thereafter, the Defendant filed the present motion renewing his request for a modification of his sentence. The Defendant represents in his motion that the Government does not have any opposition to his request. [Doc. 80].

There being no opposition to the Defendant's motion, and for the reasons stated therein, the Court will allow the motion and direct the Clerk to prepare an Amended Judgment.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Modify Sentence [Doc. 80] is **ALLOWED**. The Clerk of Court shall prepare an Amended Judgment that provides for the Defendant's current term of imprisonment to run concurrently with the previously served state sentence for a probation violation.

**IT IS SO ORDERED.**

Signed: August 3, 2011



Martin Reidinger  
United States District Judge

